

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

RICHARD WAYNE TAYLOR, #1272597 §

VS. § CIVIL ACTION NO. 9:05cv240

DIRECTOR, TDCJ-CID §

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Judith K. Guthrie. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. Petitioner filed objections to the Report.

This Court made a *de novo* review of Petitioner's objections. Petitioner objects to the Report and Recommendation's statement that he is challenging his Houston County conviction for aggravated assault. Petitioner's Original Petition states that he is challenging his Houston County conviction for aggravated assault. The Report, however, also explains that Petitioner claims unlawful arrest and seizure, double jeopardy, that he was denied flat time credit, and that he is wrongfully having to serve his sentence in installments, some of which claims arise from and/or involve his December 17, 2004, arrest, seizure, and imprisonment after he erroneously had been released early from custody.

Petitioner further objects to the Report's conclusion that some of his claims are time-barred. This objection is based on the fact that the Court initially denied Respondent's motion to dismiss the claims as time-barred. After reviewing Petitioner's April 5, 2006, Reply (dkt#26) to Respondent's motion to dismiss, the Court determined that, and on April 10, 2006, ordered that, further response from Respondent was necessary and denied Respondent's motion. After further

review of the record and subsequent pleadings and motions, the last of which was Petitioner's May 9, 2007, Motion (dkt#73) for Leave to File a Supplemental Reply to Director's Response to the Court's April 10, 2006, Order, the Court determined that some of Petitioner's claims are time-barred. Petitioner's objection lacks merit.

Petitioner objects and says that his time-credit claims are not time-barred. The Court did not find that Petitioner's time-credit claims were time-barred.

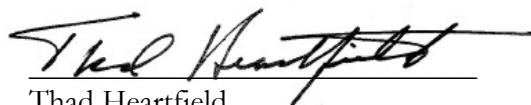
This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that this action is **DISMISSED WITH PREJUDICE**;

ORDERS that Petitioner be denied a motion for certificate of appealability; and,

ORDERS that all motions not previously ruled on are denied.

SIGNED this the 14 day of **June, 2007**.



Thad Heartfield
United States District Judge